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New York

SUMMARY RECORD OF THE 46th MEETING

Chairman: Mr. SENGWE (Zimbabwe)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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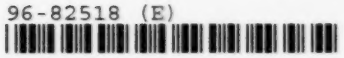

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The meeting was called to order at 5.20 p.m.

AGENDA ITEM 118: PATTERN OF CONFERENCES (continued) (A/C.5/51/L.17)

Draft resolution A/C.5/51/L.17

1. Mr. ALOM (Bangladesh), Vice-Chairman, introduced draft resolution A/C.5/51/L.17, which represented the agreement reached following a thorough discussion in informal consultations. He urged its adoption by consensus.

2. Mr. RIESCO (Director, Conference Services), replying to a request for clarifications, said that since the procedures referred to in paragraph 4 of section A had never been modified, they would still apply. Since the Fifth Committee would be using only eight weeks out of the 15 weeks reserved for its meetings, there would be 7 weeks of conference servicing capacity which could be used to accommodate other bodies.

3. Draft resolution A/C.5/51/L.17 was adopted.

4. Mr. BOYNTON (United States of America), speaking in explanation of position, said that the United States of America had joined the consensus on the draft resolution with some reservations. It reiterated that, as stated in General Assembly resolution 43/222 B and reaffirmed in resolution 50/206 A, the mandate of the Committee on Conferences must be fully respected and properly implemented. The Committee on Conferences could be convened at any time to consider additions to the calendar of conferences; it was not appropriate for the Fifth Committee to act on its behalf in amending the calendar of conferences and meetings. His delegation called for effective and efficient use of conference services. It was his understanding that the cost of the meetings for the Intergovernmental Panel on Forests would be met through voluntary contributions.

5. His delegation objected to paragraph 4 of section A. It believed that if the contingency fund was used it should only be used in emergencies; its use for conference services was unwarranted. It was his delegation's understanding that the paragraph applied only to 1997.

6. With respect to paragraphs 5 and 6, his delegation understood that the United Nations would continue to allow for only 9 paid holidays, which were designated by the head of each duty station for that duty station in accordance with document ST/AI/283.

7. With regard to paragraph 12, his delegation looked forward to the review of reports by the relevant intergovernmental bodies on problems which had given rise to utilization factors below the 80 per cent benchmark. It had been established in informal consultations that paragraph 20 was not to be read literally, but was to be interpreted to mean intergovernmental meetings of Member States and expert bodies.

8. Mr. CONLEY (United Kingdom), referring to paragraphs 5 and 6 of section A, said that his delegation had joined the consensus on the understanding that the

number of official holidays would not be changed and that the needs of the Security Council to operate as necessary would be recognized.

9. Mr. GODA (Japan) said that while his delegation had joined the consensus, it noted with regret that the Fifth Committee appeared to have infringed on the competence of the Committee on Conferences.

10. Mr. MADDENS (Belgium) said that, in paragraph 5 of section C, it would be more accurate to state that the documentation was posted on the optical disk and read through the web site.

11. Mr. RIESCO (Director, Conference Services) took note of the clarification.

AGENDA ITEM 119: SCALE OF ASSESSMENTS FOR THE APPORTIONMENT OF THE EXPENSES OF THE UNITED NATIONS (continued) (A/C.5/51/L.21, L.24 and L.25)

Draft resolution A/C.5/51/L.21

12. Ms. PEÑA (Mexico) requested that consideration of draft resolution A/C.5/51/L.21 be deferred to the early part of 1997.

13. Mr. HO (Singapore) supported the proposal saying that the text should be taken as a basis on which to build consensus. His delegation hoped that a consensus could be reached before 31 March 1997.

14. The CHAIRMAN said that he would take it that the Committee wished to postpone a decision on draft resolution A/C.5/51/L.21 and to consider it, as a matter of priority, at the early part of 1997.

15. It was so decided.

Draft decision A/C.5/51/L.24

16. Draft decision A/C.5/51/L.24 was adopted.

Draft resolution A/C.5/51/L.25

17. Draft resolution A/C.5/51/L.25 was adopted.

18. Mr. GODA (Japan) said that all decisions regarding the scale of assessments should be taken by consensus. The United Nations must be strengthened in order to meet the expectations of the world community. Financial reform alone would not be sufficient. He hoped that some progress could be achieved on the scale of assessments in the very near future.

AGENDA ITEM 120: HUMAN RESOURCES MANAGEMENT (continued) (A/C.5/51/L.18 and L.30)

Draft decisions A/C.5/51/L.18 and L.30

19. Mr. GOUMENNY (Ukraine) introduced draft decision A/C.5/51/L.18, and draft

decision A/C.5/51/L.30, which asked the Secretary-General to review the situation with regard to recruitment.

20. Draft decisions A/C.5/51/L.18 and A/C.5/51/L.30 were adopted.

21. Mr. CHUMICHEV (Russian Federation), speaking in explanation of position on draft decision A/C.5/51/L.30, said that his delegation had joined the consensus on the understanding that all matters dealt with in that decision would be discussed in detail at the resumed session.

22. Mr. STÖCKL (Germany), supported by Ms. EMERSON (Portugal), said, with regard to subparagraph (b) (iv) of draft decision A/C.5/51/L.30, that six P-2 posts within the Economic Commission for Latin America and the Caribbean (ECLAC) had recently been posted for recruitment. Those posts must, according to procedures, be filled either through competitive examinations or "G" to "P" promotion, and must be counted as part of the 30 per cent quota of posts subject to equitable geographical distribution.

AGENDA ITEM 129: FINANCING OF THE UNITED NATIONS PROTECTION FORCE, THE UNITED NATIONS CONFIDENCE RESTORATION OPERATION IN CROATIA, THE UNITED NATIONS PREVENTIVE DEPLOYMENT FORCE AND THE UNITED NATIONS PEACE FORCES HEADQUARTERS (continued) (A/C.5/51/L.26)

Draft decision A/C.5/51/L.26

23. Draft decision A/C.5/51/L.26 was adopted.

AGENDA ITEM 137: FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 (continued) (A/C.5/51/L.22)

Draft resolution A/C.5/51/L.22

24. Ms. PEÑA (Mexico) noted that draft resolution A/C.5/51/L.22 provided for an appropriation of $23,655,600 gross ($21,146,900 net) to finance the International Tribunal for the period from 1 January to 30 January 1997.

25. Draft resolution A/C.5/51/L.22 was adopted.

AGENDA ITEM 139: FINANCING OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994 (continued) (A/C.5/51/L.23)

Draft resolution A/C.5/51/L.23

26. Mr. HANSON (Canada) said that draft resolution A/C.5/51/L.23 noted that the Secretary-General intended to submit revised 1997 budget proposal for the Tribunal, following finalization of the report of the Office of Internal Oversight Services, and provided for the appropriation of $23,114,950 gross

($20,871,100 net) for the period from 1 January to 30 June 1997. It also provided that $5,557,475 gross ($4,435,550 net) would be transferred from the Special Account established for the United Nations Assistance Mission for Rwanda to the Special Account for the International Tribunal for Rwanda. Since consensus had been reached in informal consultations, he hoped that the draft resolution would be adopted without a vote.

27. Draft resolution A/C.5/51/L.23 was adopted.

AGENDA ITEM 157: FINANCING OF THE UNITED NATIONS SUPPORT MISSION IN HAITI (UNSMIH) (continued) (A/C.5/51/L.27)

Draft decision A/C.5/51/L.27

28. Ms. PEÑA (Mexico) said that draft decision A/C.5/51/L.27 provided, inter alia, for the appropriation of $27,400,800 gross ($26,202,600 net) for the maintenance of the Support Mission for the period from 1 July 1996 to 30 June 1997. Since consensus had been reached on the draft decision in informal consultations, she hoped that it would be adopted without a vote.

29. Draft decision A/C.5/51/L.27 was adopted.

30. Ms. RIECK (Germany) said that, even though her delegation had joined the consensus on the budget of UNSMIH, in accordance with the principle that the budgets of peacekeeping operations should be approved by consensus, it had some reservations about the decision, which were the same as those which it had expressed at the forty-fourth meeting in relation to the budget of the United Nations Angola Verification Mission (UNAVEM).

AGENDA ITEM 112: REVIEW OF THE EFFICIENCY OF THE ADMINISTRATIVE AND FINANCIAL FUNCTIONING OF THE UNITED NATIONS (continued) (A/C.5/51/L.31)

Draft resolution A/C.5/51/L.31

31. Ms. INCERA (Costa Rica), introducing draft resolution A/C.5/51/L.31 on behalf of the Group of 77 and China, said that it was intended to help the General Assembly to take a decision on the proposed programme budget outline for 1998-1999. She drew attention to paragraph 4, which invited the Secretary-General to prepare his proposed programme budget for 1998-1999 on the basis of the total preliminary estimate of $2,608,274,000 at initial 1996-1997 rates, recosted to $2,574,366,000 at revised 1996-1997 rates, and to paragraph 5 which set the level of the contingency fund at 0.75 per cent of the preliminary estimate at 1998-1999 rates. Paragraph 6 noted that the provision of $85 million for special missions in the Secretary-General's proposed budget outline for 1998-1999 represented a serious departure from current budgetary practice, and decided not to include in the budget outline any provision for mandates yet to be approved. The paragraphs on the Organization's priorities were still being negotiated under agenda item 114 (Programme planning).

32. Mr. ALOM (Bangladesh) said that the negotiations on the proposed medium-term plan were proceeding slowly; the Committee would have to give the proposed plan very serious consideration if it was to complete its work on time.

33. Ms. PEÑA (Mexico) said that the Committee should take a decision on draft resolution A/C.5/51/L.31 at the current meeting, since the text had already been circulated in all of the official languages. According to current procedures, the resolution on programme planning had to be adopted before the resolution on the budget outline could be adopted, and the budget could only be prepared on the basis of an approved medium-term plan. Delegations should therefore show flexibility in the negotiations.

34. Mr. ATIYANTO (Indonesia) associated himself with the statements made by the representatives of Bangladesh and Mexico.

35. Ms. CHEN Yue (China) drew attention to an error in the figure mentioned in paragraph 6 of the Chinese text.

36. Mr. KELLY (Ireland), speaking on behalf of the European Union, said that he was surprised that draft resolution A/C.5/51/L.31 had been formally introduced when it was still being discussed in informal consultations. That procedure seemed to depart from the principle of consensus budgeting laid down in General Assembly resolution 41/213.

37. Ms. RODRÍGUEZ ABASCAL (Cuba) said if the Committee wanted to include a list of priorities in the budget outline, it must first approve the proposed medium-term plan, which contained those priorities. With respect to the statement made by the Irish delegation on behalf of the European Union, she stressed that General Assembly resolution 41/213 did not prejudice in any way the provisions of the Charter of the United Nations and the rules of procedure of the General Assembly.

38. Ms. PEÑA (Mexico) said that she could not accept the attempt by another delegation to question the sovereign right of Member States to introduce draft resolutions on issues of concern to them. Draft resolution A/C.5/51/L.31 had been introduced in order to facilitate the adoption of a decision on the matter.

39. Ms. INCERA (Costa Rica), speaking on behalf of the Group of 77 and China, supported the statement made by the Mexican delegation, adding that the Committee had been informed in advance that the draft resolution in question would be formally introduced. General Assembly resolution 41/213 did not specify that all decisions on budgetary matters must be taken by consensus, only that it was preferable for such decisions to be adopted by consensus.

40. Mr. HANSON (Canada) said that the current budget process did not require that the proposed medium-term plan and budget outline be approved before the budget was prepared. The Secretariat had a duty to prepare the budget regardless of whether or not the Fifth Committee took decisions on the medium-term plan and the budget outline in a timely manner. General Assembly resolution 41/213 specified that the Committee should seek the broadest possible agreement on budgetary matters, yet draft resolution A/C.5/51/L.31 had been submitted outside the framework of the informal consultations which were intended to help the Committee reach such a consensus.

STATEMENT BY THE PRESIDENT OF THE GENERAL ASSEMBLY

41. Mr. RAZALI (President of the General Assembly) said that he was disappointed that the General Assembly would be unable to consider the outcome of the Fifth Committee's work that day as scheduled, owing to the Committee's inability to reach consensus on the issues under consideration. He hoped that the Committee would complete its work by the end of the day, since that was the deadline which had been set. The budget figures had been available well in advance, yet they were being endlessly reviewed. He was willing to help delegations to resolve their differences.

The meeting was suspended at 6.35 p.m. and resumed at 11.20 p.m.

AGENDA ITEM 121: UNITED NATIONS COMMON SYSTEM (continued) (A/C.5/51/L.35)

Draft resolution A/C.5/51/L.35

42. Ms. ALMAO (New Zealand) introduced, on behalf of the Chairman, draft resolution A/C.5/51/L.35, which had been agreed upon in informal consultations. She recommended that it should be adopted by consensus.

43. Draft resolution A/C.5/51/L.35 was adopted.

44. Mr. MENKVELD (Netherlands) expressed his delegation's dissatisfaction with the way the agenda item had been scheduled, noting that the Committee had had far too little time for informal consultations. In 1997, the report of the International Civil Service Commission should be introduced in the first half of October. He was also dissatisfied with part I of the draft resolution. Stressing the importance of the Noblemaire principle, he noted that although the Commission had reported that total compensation levels of the present comparator were no longer superior, it had not seen fit to recommend a change of comparator, but had instead proposed that the results of the comparator study should be used as a reference point for margin management. That recommendation - with which he concurred - should have resulted in an increase in the present margin from 10 to 20 per cent to a range of 20 to 30 per cent and a new midpoint of 125, making a substantial increase of the base/floor salary level necessary.

45. Other delegations had not accepted that increase, partly because they believed that the common system was still competitive and partly because of the cost element. However, not all Member States agreed that the common system was competitive and attractive. Failure to honour the Noblemaire principle could prompt some Member States to top up the salaries of their nationals, or result in the hiring of less qualified staff, neither of which would be in the Organization's best interest. With respect to the cost element, he did not believe that the objective of implementing the Noblemaire principle should be held hostage to or influenced by current financial difficulties. In that connection, he welcomed the Secretariat's intention to absorb the cost of the salary increases to the maximum extent possible. If such absorption was not possible, then the remaining financial consequences would have to be taken up in the context of the performance reporting mechanism. His delegation favoured restoration of the salary level of Professional and higher categories of staff to the level of the best paid national civil service and regretted that such a goal had not been achieved through the draft resolution.

AGENDA ITEM 122: UNITED NATIONS PENSION SYSTEM (continued) (A/C.5/51/L.36)

Draft resolution A/C.5/51/L.36

46. Ms. ALMAO (New Zealand), introducing draft resolution A/C.5/51/L.36 on behalf of the Chairman, said that agreement had been reached on all the paragraphs of the text with the exception of section IV, paragraph 4.

The meeting was suspended at 11.45 p.m. and resumed at 11.55 p.m.

47. Mr. BOGAYEVSKIY (Ukraine) said that his delegation sought a comprehensive, balanced and fair decision that took account of the situations of all parties concerned. As formal consultations had thus far failed to bring about such a decision, he proposed that the Committee should defer consideration of the disputed paragraph to a subsequent meeting early in 1997.

48. Mr. ROGACHEV (Russian Federation) objected to the proposal.

49. Mr. MUCHANGA (Zambia) suggested that the Committee should defer consideration of the disputed section until the next meeting.

50. It was so decided.

AGENDA ITEM 116: PROGRAMME BUDGET FOR THE BIENNIUM 1996-1997 (continued) (A/C.5/51/44; A/C.5/51/L.32, L.33, L.38 and L.39)

Draft resolution A/C.5/51/L.39

51. Mr. STEIN (Germany), Vice-Chairman, introducing draft resolution A/C.5/51/L.39 which he was submitting following informal consultations, said he hoped that it could be adopted without a vote.

52. Draft resolution A/C.5/51/L.39 was adopted.

Draft resolution A/C.5/51/L.38

53. Mr. STEIN (Germany), Vice-Chairman, introducing draft resolution A/C.5/51/L.38 which he was submitting following informal consultations, expressed the hope that it could be adopted without a vote.

54. Draft resolution A/C.5/51/L.39 was adopted.

Contingency fund: consolidated statement of programme budget implications and revised estimates (A/C.5/51/44)

55. Mr. TAKASU (Controller), introducing the report of the Secretary-General on the contingency fund: consolidated statement of programme budget implications and revised estimates (A/C.5/51/44), said that the consolidated total programme budget implications and revised estimates amounted to $4.069 million. As that amount was within the available contingency fund balance of $19.427 million, the Committee could recommend that the General Assembly should appropriate the amount under the relevant sections of the programme budget, while requesting the

General Assembly to take note that a balance of $15.358 million would remain in the contingency fund.

56. The CHAIRMAN said that he took it that the Committee wished to recommend to the General Assembly the following draft resolution:

"The General Assembly

"Notes that a balance of $15,358,200 remain in the contingency fund.".

57. It was so decided.

Draft resolution A/C.5/51/L.33

58. Mr. STEIN (Germany), Vice-Chairman, introducing draft resolution A/C.5/51/L.33 which he was submitting following informal consultations, expressed the hope that it could be adopted without a vote.

59. Draft resolution A/C.5/51/L.33 was adopted.

60. Mr. GELBER (United States of America), speaking in explanation of position, said that his delegation understood that, absent a specific decision on the proposal in A/C.5/50/57, Section 26, repeated in A/C.5/50/57/Add.1, Section 26 (B) (3) (c) (v), the Secretary-General would not proceed to implement the proposal.

Draft report of the Fifth Committee (A/C.5/51/L.32)

61. The CHAIRMAN drew the Committee's attention to draft resolutions I and II contained in paragraph 23 of its draft report (A/C.5/51/L.32).

62. Mr. STEIN (Germany), Vice-Chairman, said that in informal consultations the Committee had opted for the first of the two alternative texts in draft resolution I, section III, paragraph 5. Accordingly, the brackets should be removed and the second alternative should be deleted.

63. Draft resolutions I and II, contained in paragraph 23 of the draft report (A/C.5/51/L.32), were adopted.

The meeting rose at 12.25 a.m.